SINGLE BENCH 2. (4)

CF 3002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) No. 5744 /2006

PETITIONERS :

1. Ashok Kumar Mandal S/o Shri J.R. Mandal Aged-About 39 years, Assistant Teacher, Department Tribal Welfare, Presently Posted at Balak Ashram Khongapani Tah. Manendragarh, Distt. Korea (C.G.)

2. Sanjay Kumar Poya S/o Shri Thakur Prasad, Aged about-About 39 years, Assistant Teacher, Department Tribal Welfare, Presently Posted at Primary School Sawaranwa, Tah. Baikunthpur, Distt. Korea (C.G.)

3. Jeetrai Singh S/o Shri Dhirsai, Aged about- 37 years, Assistant Teacher, Department Tribal Welfare, Presently Posted at Middle School Sorga, Tah. Baikunthpur, Distt. Korea (C.G.)

P.R. No. 527666 Presented by Shri Mahendra Dubey dated 13/10/06

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through- Secretary, Department of Tribal Welfare, Mantralaya, D.K.S. Bhawan Raipur (C.G.)

2. Commissioner, Department of Tribal Welfare, Raipur (C.G.)

3. Assistant Commissioner, Tribal Welfare, Baikunthpur, District Korea (C.G.)

4. Collector, Korea, Baikunthpur, Distt. Korea (C.G.)

OATH COMMISSIONER APARNA MALVIYA Bilaspur Chhattisgarh 13/10/06

RECEIVED-COPY 13/10/06 CLERK to A. G. BILASPUR

(5)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC. OR DIRECTION / ORDER OF LIKE NATURE ETC.

(28)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5742 OF 2006

Petitioner : Madan Singh

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.5743 OF 2006

Petitioner : Smt. Shushila Khalkho

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.5744 OF 2006

Petitioner : Ashok Kumar Mandal and others

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Mahendra Dubey, counsel for the petitioners in all the petitions.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State in all the petitions.

ORDER
(Passed on 27th of October, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioners has filed a copy of the order dated 9-10-2006 (Annexure P-3) passed by this Court in Writ Petition (S.) No.5473 of 2006 (*Rakesh Kumar Sharma and another vs. State of Chhattisgarh and others*) and submits that the petitioners are similarly situated, therefore, they should be given parity.

3. The present writ petitions, being Writ Petitions (S.) No.5742 of 2006, 5743 of 2006 and 5744 of 2006 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

4. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after

completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

5. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the

31

Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

7. The writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

8. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Gopal